

### Title:

**\*\*Imelda Marbella-Bobis vs. Isagani D. Bobis: A Legal Examination of Bigamy and Prejudicial Questions Under Philippine Law\*\***

### Facts:

On October 21, 1985, Isagani D. Bobis entered into his first marriage with Maria Dulce B. Javier. Without having this marriage legally dissolved, Bobis contracted a second marriage with Imelda Marbella-Bobis on January 25, 1996, and later, allegedly a third marriage with Julia Sally Hernandez. Imelda Marbella-Bobis filed a complaint-affidavit leading to an information for bigamy being filed against Isagani D. Bobis on February 25, 1998, under Criminal Case No. Q98-75611 at the Regional Trial Court, Branch 226, Quezon City.

Bobis countered by initiating a civil action for the judicial declaration of absolute nullity of his first marriage due to the absence of a marriage license, aiming to suspend the bigamy proceedings by arguing the existence of a prejudicial question. The trial court granted the suspension in an order dated December 29, 1998. Marbella-Bobis's motion for reconsideration was denied, leading her to elevate the matter to the Supreme Court on petition for review on certiorari, challenging the suspension of the bigamy case.

### Issues:

1. Whether the filing of a civil action for declaration of nullity of a previous marriage constitutes a prejudicial question to a criminal case for bigamy.
2. Whether a judicial declaration of nullity needs to precede the contracting of a subsequent marriage to avoid a charge of bigamy.

### Court's Decision:

The Supreme Court reversed the trial court's decision, holding that:

1. A civil case for the declaration of nullity of a marriage does not constitute a prejudicial question to a criminal case for bigamy, as per Article 40 of the Family Code. The Court clarified that for a civil case to be considered a prejudicial question, its resolution must directly affect the determination of guilt or innocence in the criminal case. The underlying rationale is that a marriage, whether void or voidable, is presumed valid until declared null by a competent court.
2. Article 40 of the Family Code mandates a judicial declaration of nullity of a previous marriage before remarriage. The failure to secure such a declaration subjects an individual to bigamy charges since the law does not allow parties to assume their marriage void and remarry based on their judgment.

### Doctrine:

The decision reiterates the principle that parties to a marriage cannot determine the nullity of their union by themselves; it demands adjudication by competent courts. Furthermore, Article 40 of the Family Code necessitates a judicial declaration of nullity before remarriage, reinforcing the legal stance against self-assessment of marriage validity.

### Class Notes:

- Bigamy requires that an individual has a legally valid marriage and subsequently enters into another marriage before the first is legally dissolved. A judicial declaration is necessary to prove the dissolution or nullity of the first marriage.
- A prejudicial question involves a civil issue that determines a criminal case's outcome. For it to suspend a criminal case, the issue in the civil case must be so intimately connected with the criminal case that its resolution is essential to the latter's disposition.
- Article 40 of the Family Code explicitly states that a judicial declaration of nullity is required before remarriage, making any subsequent marriage without such declaration legally void.
- Legal Understanding: Every individual is presumed to know the law, ignorance of which does not excuse non-compliance, especially in marriage laws concerning the requirement of a judicial decree of nullity for the avoidance of bigamy charges.

### Historical Background:

The case encapsulates the conflict between personal actions taken on the presumption of a marriage's void status and the legal processes mandated by the Philippine Family Code to declare such nullity officially. This situation closely examines the balance between individual rights and statutory regulations in the context of marriage, emphasizing the judiciary's role in marital status determinations and its implications on related criminal legislations like bigamy.